

REMARKS/ARGUMENTS

The Office Action of January 11, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-8 are pending. Claim 8 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bond. Claims 1, 3, 4, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Isham in view of Runciman/Rios. Claims 2, 5, and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Isham in view of Runciman/Rios and Lansdale.

In response, the Applicants have amended claim 8 and traverse the grounds for rejection for claims 1-7 and submit the following remarks. Isham is directed to an apparatus for dispensing soft drinks and includes a bag-in-the box container 101 for syrup and a container 106 for water. The syrup container 101 may be two syrup containers that are “placed in communication” at 102 and then connected to a syrup supply line 28. Col. 11, lines 17-21. The syrup is removed from the containers 101 through a pump 104. Col. 11, lines 22-23. The syrup is then sent to a dispensing pump 166. Col. 11, line 65 through Col. 12, line 3. The water from container 106 is mixed with carbon dioxide 111 and then also sent to dispensing pump 166.

In contrast, claims 1 and 7 recite in combination at least one material reservoir cylinder for containing a material bag, a supply tube from the reservoir cylinder to a valve, the valve directing material from a bag in the cylinder sent through the supply tube to a receiving container. Isham does not teach or suggest the recited combination of features in claim 1 or method of dispensing in claim 7. For example, Isham does not teach the recited supply tube connected to the material bag and a valve directing material from the bag to a receiving container. The “valve 102” identified by the Examiner is, according to Isham, the location where the containers 101 are “placed in communication,” that is, the syrup from the two containers 101 are simply joined at this location and then supplied to the syrup supply line 28. This “place[] in communication” location is not a valve, does not function as a valve, and therefore does not, nor cannot, control the flow of fluid to a receiving container, as recited by claims 1 and 7. The other references of record do not obviate these deficiencies.

Additionally, with respect to the Examiner’s statement that it would be obvious to substitute a cylinder as taught by Runciman and Rios references with the bag-in-the-box container of Isham, the Applicants respectfully submit that they are unable to locate anything in any of these references that suggests modifying the bag-in-the-box container for a cylinder, nor is there any reason to indicate such a

modification would be successful. *See* MPEP 706.02(j) ("To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success."). Instead, the only suggestion to do so is found in the present application, suggesting the rejection is based on impermissible hindsight reconstruction.

Based on the foregoing it is respectfully submitted that claims 1-7 as a whole are allowable over the references of record. Accordingly, withdrawal of the grounds for rejection is respectfully requested.

With respect to claim 8, the Applicants have amended this claim to recite that the bag has "at least one corner, the at least one corner defining a delta seal." This recited feature is not shown or taught by Bond. Accordingly, withdrawal of the rejection under 35 U.S.C. 102(b) is respectfully requested.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections and objections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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